

FAX NO.

RECEIVED
CENTRAL FAX CENTER
P. 01

FEB 13 2006

[illegible]

RECEIVED
CENTRAL FAX CENTER

FEB 13 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bernstein et al.

Docket No.: BUR920040022US1

Serial No.: 10/709,076

Art Unit: 2814

Filed: April 12, 2004

Examiner: Nathan W. Ha

Title: FinFET TRANSISTOR AND CIRCUIT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents & Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

In response to the Restriction Requirement mailed on February 7, 2006, Applicant hereby provisionally elects the species of FIGs 3A and 3B, the claims readable thereon being 1-6 and 13-18. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 25-29 and 35-39, drawn to the species of FIGs. 4A and 4B.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-6, 13-18, 25-29 and 35-39 are sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Applicants respectfully

submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Director is hereby authorized to charge and/or credit Deposit Account 09-0456 .

Should the Examiner require or request anything further from Applicant's prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the Agent Direct Dial telephone number below. Otherwise, Applicants request early and favorable examination on the merits

Respectfully submitted,
FOR: Bernstein et al.

Dated: 02/13/2006

BY: Jack P. Friedman
Jack P. Friedman
Reg. No. 44,688
FOR:
Anthony M. Palagonia
Registration No.: 41,237

3 Lear Jet Lane, Suite 201
Schmeiser, Olsen & Watts
Latham, New York 12110
(518) 220-1850
Agent Direct Dial Number: (802)-899-5460